



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,107	09/24/2003	Norman Goris	N. GORIS 6-6	7170

47396 7590 06/30/2006

HITT GAINES, PC
AGERE SYSTEMS INC.
PO BOX 832570
RICHARDSON, TX 75083

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
----------	--------------

2618

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/670,107	Applicant(s) GORIS ET AL.	
	Examiner Blane J. Jackson	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 17 March 2006 have been fully considered but they are not persuasive. The applicant argues that Heinonen does not teach a mobile telephone including a vital measurement system as recited in independent claim 1. However, the claim language states "A mobile telephone comprising a vital sign measuring system, a keypad. . . and a display . . ." which is clearly taught by Heinonen in figure 1, column 3, lines 56-64 and column 4, line 63 to column 5, line 3. With respect to this opinion, the original rejection is repeated but edited for clarity and the amended dependent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinonen et al. (US 5,772,586).

As to claim 1-4 and 8-11, Heinonen teaches a mobile telephone, method and system of employing a mobile telephone to measure a vital sign comprising:

A vital sign measuring system (figures 1-3, column 3, line 55 to column 4, line 15 and column 4, lines 54-63, measuring unit (11) is placed inside a mobile telephone (1), using the mobile phone user input/output features to monitor vital signs comprising blood glucose level, blood pressure, temperature or pulse),

A keypad coupled to the vital sign measuring system configured to allow a user to control the vital sign measuring system (column 4, lines 37-44),

A display coupled to the vital sign measuring system configured to provide vital sign information to the user (column 4, line 63 to column 5, line 3 and column 5, lines 54-65, mobile telephone software updated such that the measuring unit (11) uses the display (12) and the keyboard (13) of the phone).

As to claim 5, Heinonen teaches the mobile telephone as recited in claim 1 wherein the vital sign measuring system includes a sensor for measuring vital signs of the user, said sensor integrated within a chassis of said mobile telephone (figure 3, column 4, line 53 to column 5, line 39, measuring device comprises means for measuring the blood glucose level via an integrated lancet (19)).

As to claim 12, Heinonen teaches the method as recited in claim 8 wherein said vital sign measuring system comprises a vital sign sensor located on an opposite side of said mobile telephone as said display to simultaneously employ said vital sign sensor and provide said vital sign information to said user through said display (figure 3, column 4, line 53 to column 5, line 39, measuring device comprises means for

measuring the blood glucose level via an integrated lancet (19) which is on the opposite side of the mobile telephone to display (12), and column 5, lines 54-65; display to provide measurement advice, results, warnings and history).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (US 5,772,586) with a view to Puthuff (US 6,112,103).

As to claim 15, Heinonen teaches a vital sign measuring system comprising:

A body temperature sensor,

A blood pressure sensor,

A pulse detector (figures 1-3, column 3, lines 55 to column 4, line 16, measuring device (1) comprising a mobile telephone and measurement device (11) to measure and report blood glucose level, blood pressure, fever (temperature) or pulse),

A mobile telephone interface (figures 2 and 3, column 4, line 54 to column 5, line 3, the software of the mobile telephone is changed such that the measuring unit (11) utilizes the display (12) and keyboard (13) of the phone),

Control circuitry coupled to said body temperature sensor, said blood pressure sensor, said pulse detector and said mobile telephone interface configured to provide vital sign information to a user via said mobile telephone interface and a mobile telephone coupled thereto in response to control signals received from said mobile telephone through said mobile telephone interface (column 4, lines 37-44 and column 4, line 67 to column 5, line 20).

Heinonen is silent as to control signals received from said mobile telephone through said mobile telephone interface via commands input to a microphone of said mobile telephone.

Puthuff teaches a mobile telephone (figure 1, telephone (312)) with an attached personal communication node (PCN) (100) for wirelessly receiving or providing voice commands to control a remote device that monitors vital statistics of a patient, column 3, lines 8-22, column 9, lines 4-47 and column 6, lines 10-44 and voice command can also be user to control the telephone for usual use functions using the internal microphone and speaker, column 8, lines 28-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the vital health monitoring telephone of Heinonen with the voice command ability of Puthuff for the hands free convenience of controlling the system by the patient.

As to claim 16, Heinonen teaches the system as recited in claim 15 wherein said system is integral with a chassis of said mobile telephone (figures 1 and 3, column 4,

Art Unit: 2618

lines 54 to column 5, line 13, measuring unit (11) fits into the battery space of the mobile phone (1)).

As to claim 17 with respect to claim 15, Heinonen teaches the control circuitry provides the vital sign information to the user via a display of the mobile telephone (column 5, lines 54-65 and column 4, line 63 to column 5, line 3, mobile telephone (1) software is updated so the measuring unit (11) utilizes the display and keyboard of the phone).

As to claim 19 with respect to claim 15, Heinonen teaches the control circuitry accepts commands from a keypad of the mobile telephone (column 4, lines 37-44 and column 5, lines 54-65 and column 4, line 63 to column 5, line 3, mobile telephone (1) software is updated so the measuring unit (11) utilizes the display and keyboard of the phone).

As to claim 20, Heinonen teaches the system as recited in claim 15 wherein said vital sign information is provided to said user via an analog signal indicated on a display of said mobile telephone (column 5, lines 54-65, special program related to the act of measurement for procedure information, prompts and results on the display (12) of the telephone).

As to claims 6, 7, 13, 14 and 18 with respect to claims 1, 8 and 15, Heinonen teaches a standard mobile telephone equipped with a microphone and loudspeaker but not used with the bidirectional data exchange of vital information via a short message service centre to a hospital, column 4, lines 16-36, but does not specifically teach the loudspeaker is coupled to the vital sign measuring system to provide vital sign information to the user or a microphone to allow the user to control the vital sign measuring system.

Puthuff teaches a mobile telephone (figure 1, telephone (312)) with an attached personal communication node (PCN) (100) for wirelessly receiving or providing voice commands to control a remote device that monitors vital statistics of a patient, column 3, lines 8-22, column 9, lines 4-47 and column 6, lines 10-44 and voice command can also be user to control the telephone for usual use functions using the internal microphone and speaker, column 8, lines 28-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the vital health monitoring telephone of Heinonen with the voice command ability of Puthuff for the hands free convenience of controlling the system by the patient.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 9:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJJ


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600